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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 2667 of 2007

Petitioner	Gram Panchayat Chuhiya, Through : Sarpanch Chhatrapal Singh Bajare, S/o. Khikram Banjare, aged about 26 years, R/o. Village : Chhuhia, Tahsil Bilaigarh, Distt. Raipur (C.G.)
Versus	
Respondents	1. State of Chhattisgarh, Through: Principal Secretary Department of Panchayat & Social Welfare, D.K.S. Bhawan, Raipur (C.G.) 2. Collector Raipur Distt. Raipur (C.G.) 3. Chief Executive Officer, Janpad Panchayat Bilaigarh, Distt. Raipur (C.G.)

Writ petition under Article 226 of the Constitution of India

Single Bench: Hon'ble Mr. Justice Satish K. Agnihotri.

Present: Mr. J.R. Verma, Advocate for the petitioner.
Mr. Arvind Dubey, Panel Lawyer for State/respondents No. 1 & 2.

O R D E R

(Passed on 3rd Day of May, 2007)

1. The petitioner seeks a writ in the nature of mandamus/certiorari against the respondents to appoint the petitioner as Secretary in the Gram Panchayat Chhuhia and not to issue any permission or direction to withdraw any amount from the Panchayat Fund of Gram Panchayat Chhuhia.

2. Learned counsel appearing for the petitioner submits that the petitioner is Sarpanch of Gram Panchayat Chhuhia and the post of Secretary is lying vacant. The competent authority, i.e. respondent No. 3, has not appointed any Secretary, and as such the work of Gram Panchayat is suffering.

3. The Gram Panchayat, Chhuhia has earlier approached this Court in W.P. (C) No. 1606/2007 for the same relief whereunder and whereby, after

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considering the facts of the case, this Court directed the Chief Executive Officer, Janpad Panchayat, Bilaigarh to take steps for appointment of the Secretary for the concerned Gram Panchayat within a period of two weeks from the date of receipt of a copy of this order, vide order dated 20th March, 2007.

4. According to the learned counsel appearing for the petitioner, the order of this Court has not been complied with. Once a writ/direction has been issued by this Court, the second petition for the same relief praying for the same writ/direction is not maintainable. However, in the facts of the case, when the writ is specific and the petitioner claims disobedience of a writ by any authority, the alternative forum under the provisions of Contempt of Courts Act, 1971 is available.

5. In view of that, this petition is dismissed. However, liberty is reserved to the petitioner to take recourse to any other alternative forum that may be available under law to seek compliance of the order dated 20th March, 2007 passed by this Court in W.P.(C) No. 1606 of 2007.

Sd/-
Satish K. Agnihotri
Judge

Subhash